



PUBLIC NOTICE

Federal Communications Commission
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DA 02-1070

May 7, 2002

WIRELESS TELECOMMUNICATIONS BUREAU EXTENDS COMMENT CYCLE ON PETITION FOR RULEMAKING REGARDING LOCATION AND MONITORING SERVICE RULES

RM No. 10403

New Comment Due Date: May 15, 2002.

New Reply Comment Due Date: June 3, 2002.

On April 10, 2002, the Wireless Telecommunications Bureau released a Public Notice seeking comment on the Petition for Rulemaking (Petition) filed by Progeny LMS, LLC (Progeny) on March 5, 2002. See "Wireless Telecommunications Bureau Seeks Comment On Petition For Rulemaking Regarding Location And Monitoring Service Rules," *Public Notice*, DA 02-817 (rel. Apr. 10, 2002). The Public Notice provided that comments on the Petition are due no later than May 10, 2002 and that reply comments are due no later than May 28, 2002.

On May 6, 2002, Warren C. Havens and Telesaurus Holdings GB LLC (collectively, Telesaurus) filed a Request for Extension of Time to Submit Comments (Telesaurus Request), citing section 1.46(c) of the Commission's rules, 47 C.F.R. § 1.46(c). Section 1.46(c), however, applies only to "proceedings other than notice and comment rule making proceedings," and therefore is inapplicable. *Id.* Section 1.46(b) provides that a motion for extension of time to file comments in response to a petition for rulemaking "shall be filed at least 7 days before the filing date." 47 C.F.R. § 1.46(b). The Telesaurus Request, filed on May 6, 2002 (5 days before the May 10, 2002 filing date), therefore was late-filed. Telesaurus requests that we extend the comment cycle by three business days noting, *inter alia*, that such an extension would permit it to incorporate new technical research into its comments and that Progeny does not oppose its request. Pursuant to section 1.3 of the Commission's rules, 47 C.F.R. § 1.3, we waive on our motion the section 1.46(b) 7-day filing requirement. We find that the public interest will be served by a brief extension of both the comment and reply dates to allow for a more complete record in this proceeding.

Accordingly, the new comment due date is May 15, 2002 and the new reply comment due date is June 3, 2002.

Procedural Matters

Comments on the Petition are due no later than **May 15, 2002**. Reply comments are due no later than **June 3, 2002**.

All responsive filings should reference the Rulemaking Number of this proceeding, RM No. 10403.

This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules.¹ Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must reflect the substance of the presentations and not merely list the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required.² Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in Section 1.1206(b) of the Commission's rules.³

The Petition for Rulemaking is available for public inspection and copying in the Commission's Reference Center, Room CY A257, 445 12th Street, S.W., Washington, DC 20554. Copies of the Petition are also available from Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, D.C. 20554, telephone (202) 863-2893, facsimile (202) 863-2898, or e-mail at qualexint@aol.com. Copies of the Petition also may be obtained via the Commission's Electronic Comment Filing System (ECFS) by entering the Rulemaking Number of this proceeding, RM No. 10403.

Comments and reply comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. Comments and reply comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Each filing should be submitted into the following proceeding: RM No. 10403. In completing the transmittal screen, parties should include their full name and Postal Service mailing address. Parties may also submit an electronic filing by Internet e-mail. To get filing instructions for e-mail filings, parties should send an e-mail message to ecfs@fcc.gov, including “get form to <your e-mail address>” in the body of the message. A sample form and directions will be sent in response.

Due to the threat of contamination that resulted in the disruption of regular mail, the Commission released on November 29, 2001, an *Order*,⁴ temporarily amending certain

¹ See 47 C.F.R. §§ 1.1200(a), 1.1206.

² See 47 C.F.R. § 1.1206(b).

³ *Id.*

⁴ See In the Matter of Implementation of Interim Electronic Filing Procedures for Certain Commission Filings, *Order*, FCC 01-345 (rel. Nov. 29, 2001)

procedural rules on an emergency basis. In addition to filing through the ECFS, comments and reply comments may be filed as indicated below:

- **If filed by e-mail**, comments and reply comments shall be filed at the following e-mail address: WTBSecretary@fcc.gov. Please also copy (CC) Richard Arsenault at rsenau@fcc.gov. For security purposes, we recommend that documents filed via e-mail be converted to PDF format.
- **If filed by facsimile**, comments and reply comments shall be faxed to 202-418-0187. The fax transmission should include a cover sheet listing contact name, phone number and, if available, an e-mail address. In addition to the official filing, please also fax a copy to Richard Arsenault, 202-418-7447, Room 4-A267, Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau.
- **If filed by hand delivery**, comments and reply comments shall be delivered to the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.⁵ Please address documents to the Secretary, and copies thereof to the attention of Richard Arsenault, Room 4-A267, Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau.
- **If filed by commercial overnight delivery service** (other than U.S. Postal Service Express Mail and Priority Mail), comments and reply comments shall be sent to the Commission's Secretary at 9300 East Hampton Drive, Capitol Heights, MD 20743.
- **If filed by U.S. Postal Service Express Mail and Priority Mail**, comments and reply comments shall be addressed to the Commission's Secretary at 445 12th Street, SW, Washington, D.C. 20554.

In addition, one copy of each comment and reply comment must be delivered to the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, D.C. 20554, telephone (202) 863-2893, by facsimile (202) 863-2898, or via e-mail at qualexint@aol.com.

FOR FURTHER INFORMATION, CONTACT: Richard Arsenault of the Wireless Telecommunications Bureau, Commercial Wireless Division, at (202) 418-0920 (rsenau@fcc.gov).

Action by the Deputy Chief, Commercial Wireless Division, Wireless Telecommunications Bureau.

⁵ See "FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence," *Public Notice*, DA 01-2919 (rel. Dec. 14, 2001).

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